



November 15, 1999

Ms. Janis Kennedy Hampton
Assistant City Attorney
City of Bryan
P.O. Box 1000
Bryan, Texas 77805

OR99-3247

Dear Ms. Hampton:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 130662.

The Bryan Police Department (the "department") received a request for the police officer's investigative report in Case No. 99-090831. You have submitted a copy of the requested report (the "report") and a related accident report.¹ You ask whether the report is excepted from disclosure under section 552.108(a)(2) and (b)(2) of the Government Code. We have reviewed the report and considered the exception you claim.

Section 552.108(a)(2) of the Government Code excepts from required public disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication[.]" You state that the report relates to an investigation of a crime that did not result in conviction or deferred adjudication. Based upon your representation, we find that most of the information contained in the report is excepted from disclosure pursuant to section 552.108(a)(2).²

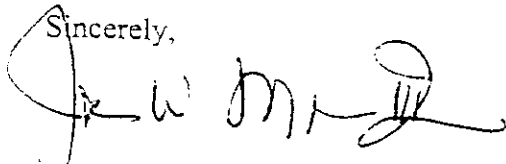
¹You state that a copy of the accident report has been provided to the requestor. Accordingly, this letter addresses only the investigative report that you submitted.

²Because this office believes that section 552.108(a)(2) of the Government Code is dispositive of this matter, this letter does not address section 552.108(b)(2).

However, section 552.108(a)(2) is inapplicable to basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c). We believe such basic information refers to the information held to be public in *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App. – Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). See Open Records Decision No. 127 (1976). You must release the type of information that is considered to be front page offense report information.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "James W. Morris, III". The signature is fluid and cursive, with a large initial "J" and "M".

James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/ljp

Ref: ID# 130662

Encl. Submitted documents

cc: Mr. Kevin Matthews
913 Harvey Road, Suite 6
College Station, Texas 77840
(w/o enclosures)